

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

LOUIS G. RASETTA and JOHN J. SHAUGHNESSY,
as they are TRUSTEES, INTERNATIONAL UNION
OF OPERATING ENGINEERS LOCAL 4 HEALTH
AND WELFARE, PENSION AND ANNUITY FUNDS,
and LOUIS G. RASETTA and CHRISTOPHER
BARLETTA, as they are TRUSTEES, HOISTING AND
PORTABLE ENGINEERS LOCAL 4 APPRENTICE
AND TRAINING FUNDS and INTERNATIONAL
UNION OF OPERATING ENGINEERS, LOCAL 4,
Plaintiffs

C.A. No. 05-10425 RCL

vs.

SAI SURVEYING CORPORATION and
BARBARA SZEPAWOWSKI,
Defendants

and

CITIZENS BANK,
Trustee

**MOTION TO COMPEL DEFENDANTS' ANSWERS TO
PLAINTIFFS' POST-JUDGMENT DISCOVERY REQUESTS**

Now come the Plaintiffs, Louis G. Rasetta and John J. Shaughnessy, as they are Trustees, et al ("the Funds"), and move this honorable Court for an Order, pursuant to Rule 37 of the Federal Rules of Civil Procedure, compelling Defendants SAI Surveying Corporation ("SAI") and Barbara Szepatowski ("Szepatowski") to answer Plaintiffs' Post-Judgment Discovery Requests, to pay the expenses, including attorneys' fees, incurred by the Funds in filing this Motion, and informing Defendants that absent full compliance with the Order within fourteen (14) days, the Court will enter appropriate findings against them.

As grounds for their Motion, the Funds state that the Defendants have failed to answer Plaintiffs' Post-Judgment Discovery Requests, served on November 21, 2005, in any way. As further grounds, the Funds rely on their Memorandum in Support of Motion to Compel Discovery Responses, and the Affidavit of Gregory A. Geiman, accompanying this Motion.

WHEREFORE, the Plaintiff Funds respectfully request that the Court grant their Motion to Compel and enter an Order (1) compelling Defendants to answer the Funds' Post-Judgment Discovery Requests within at least fourteen (14) days of the date of the Order; (2) compelling Defendants to pay the expenses, including attorneys' fees, incurred by the Funds in filing this Motion; and (3) informing Defendants that the Court will order sanctions as authorized under Rule 37(b)(2)(D) if they should fail to comply fully with the Court Order within fourteen (14) days.

Respectfully submitted,

LOUIS G. RASETTA and JOHN J.
SHAUGHNESSY, as they are TRUSTEES,
INTERNATIONAL UNION OF
OPERATING ENGINEERS LOCAL 4
HEALTH AND WELFARE FUND, et al,

By their attorneys,

/s/ Gregory A. Geiman
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Gregory A. Geiman, Esquire
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Dated: May 19, 2006

CERTIFICATE OF COUNSEL

I hereby certify that I corresponded with Defendants SAI Surveying Corporation and Barbara Szepatowski concerning the filing of this Motion. I informed the Defendants via letter,

sent certified mail, first class mail, and electronic mail to Ms. Szepatowski on April 24, 2006 that I would file a motion to compel discovery responses if I did not receive answers by May 5, 2006. A copy of this letter is attached as Exhibit K to the Affidavit of Gregory A. Geiman, accompanying this Motion. This is signed by me under the pains and penalties of perjury this 19th day of May, 2006.

/s/ Gregory A. Geiman
Gregory A. Geiman, Esquire

CERTIFICATE OF SERVICE

This is to certify that a copy of the above Motion to Compel Answers to Post-Judgment Discovery Requests has been served by first class mail upon Defendants, SAI Surveying Corp. and Barbara Szepatowski at 23 Narragansett Avenue, Jamestown, RI 02835 this 19th day of May, 2006.

/s/ Gregory A. Geiman
Gregory A. Geiman, Esquire